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To: United States Department of Commerce

PATENT AND TRADEMARK OFFICE

Commissioner of patent and trademarks

Washington, D.C. 20231 U.S.A

ATT: Linda Sholl 703-746-4915 Fax

17 March 2003

Subject: PETITION TO WITHDRAW THE HOLDING OF ABENDMENT

Application # 08/418,286

Filing Date: 04/07/95

Examiner: Mr. Atkinson C.

Applicant- Schwartz and Lipert

Title: Heat Exchanger

Art Unit: 3407

Dear Mrs. Sholl.

We are a very small company (one man and one consultant) for us this patent application is very important and we feel we did all as required by us to comply with the rules of patent application

Brief history:

We hired "Patent Agent" Mila Shvartsman (P.O.Box. 225, Outremont, Que, Canada, H2V4M8) to apply and process the application for a patent in the USA. In 1994 on our behalf. Later we found out that she did not fulfill her obligations and basically she abandoned the

work on the file. (Copy of her letter is attached A).

We sent her a registered mail to GET back OUR files. Which she refused (Copy attached B).

We had to go to the Local "Small Claim Court" in order to try to recover copies of the papers that the above agent filed? On our behalf, and to figure out the state of our above application. (Copy of court case is attached C).

- 1) On June/03/96 was Sent to us By Mr. Atkinson "Advisory Action" (Attached D) that EXTENDED the Period for Response by ...THREE MONTH...
- 2) On July/07/96 Myself and Peter Lipert Mailed from Canada the Response (Attached E)

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For us it is very important and we would have not missed the date limit to respond.

Due to my un-experience with patents, I was just sitting and waiting for it to happen after mailing out the response.

Last week I talked to Mr. Atkinson and he showed that he is willing to reopen the file.

Based on the above, will you please REVIVE THE APPLICATION.


P.S. Also a Non Publication Request (is attached) to be applied to this application.

(But, I think that it is not required, since the application Filing date is of 1995, It is better for us not to use the form, and still for the application not to be Published).

Yours Truly


Erwin Schwartz / B.Eng.

And


Peter Lipert / Eng.

303 BAFFIN, D.D.O. (Montreal), Quebec, H9A 3G4, Canada.

TURK
ERWIN SCHWARTZ

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MILA SHVARTSMAN

Patent Agent (M.A. Electronics)

Canada & U.S.A.

Patents, Industrial Designs, IC Topographies, Searches and related matters

Mr. Erwin S. Schwartz
Dosh-Dart Import Ltd.
10378-B, boul. Gouin, O.,
Roxboro, Que.,
H8Y 1S3

ORIGINAL BY MAIL
COPY BY FACSIMILE

Dear Mr. Schwartz,

March 6, 1996

Please find enclosed to this letter copy of the second Office action received from USPO, response on which is due before May 27, 1996. To avoid paying extension fee (which can delay response for another 4 months) it is highly advisable to immediately consider this office action.

I am not in a position neither review
this Office action, nor discuss with you any details.

Yours truly,


Mila Shvartsman

Encl.



10378-B, boul. Gouin O.
Roxboro (Québec) Canada H8Y 1S3
Tél.: (514) 421-1433 • Fax: (514) 421-1305

**LES IMPORTATIONS DOSH-DART LTÉE.
DOSH-DART IMPORT LTD.**

**DEPUIS 1980
SINCE 1980**

04 June 1996

REGISTERED MAIL

To: Mila Shvartsman, MA Electronics
1535 Bernard quest, Apartment # 23


Outremont, Montreal Que, H2V 1W7
Tel: 948-5190
Fax: 948-5382

Re : Unpaid balance.

Mrs Shvartsman.

Following our fax of 10 April 1996 and your response on 10 April 1996.

1) It is the **SECOND** time we request that you return all our files, papers and documents within 10 business days, they are our property.


Erwin Schwartz B.Eng / President
Dosh Dart Import Limited

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CANADA

COUR DU QUÉBEC
(chambre civile)

DIVISION DES PETITES CRÉANCES

PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

NO.: 500-32-015926-969

Montréal, le 4 décembre 1996

Sous la présidence de: MADAME LA JUGE PAULE LAFONTAINE

X
DOSH-DART IMPORT LTD.
305 Baffin,
Dollard-des-Ormeaux, Qc
H9A 3G4

Requérante

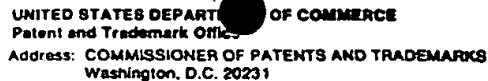
-C-

MILA SHVARTSMAN
1535 Bernard, Ouest, #23
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H2V 1W7

Intimée

JUGEMENT

JL1649



ERWIN SCHWARTZ
305 BAFFIN, DOLLARD-DES-ORMEAUX
QUE., H9A3G4, CANADA

34M1/0603

ATKINSON		EXAMINER
ART UNIT	PAPER NUMBER	
3407	9 F	

DATE MAILED: 06/03/96

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☒ is extended to run _____ or continues to run three months from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).
- ☒ Appellant's response to the final rejection, filed 5/5/96 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:
1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☐ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☐ Upon the filing an appeal, the proposed amendment ☐ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: _____
Claims objected to: _____
Claims rejected: _____

However,

- ☐ Applicant's response has overcome the following rejection(s): _____

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because the arguments set forth rely on unclaimed elements. That is the arguments rely on a structure not set forth in the claims at issue and are therefore moot.
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

PTOL-303 (REV. 5-8-90)

JOHN RIVELL
PRIMARY EXAMINER
ART UNIT 347

07 July 1996
TO THE UNITED STATES PATENT OFFICE
Commissioner of Patents and Trade Marks.
Tel: 703-308-2603, Fax: 703-305-3463/3464

Patent and Trade Mark Office, Group unit: 3407
Examiner: C. Atkinson
Washington, DC, 20231

RE: Application no 08/418,286, Filed: 04/07/95
Applicants: Erwin Schwartz and Peter Lipert.
Title: Heat Exchanger, Art Unit: 3407

Subject: Response to your Advisory Action of 06/03 96 and our follow up phone conversation in July

Dear Sir.

First we want to thank you for your patience with explaining to us our file.

We hereby will shorten our application and description in order to obtain a speedy patent at least on a few of our initial claims,

Please note that we are not adding any new claims or any new drawings.

Please make the following amendments.

Both inventors Erwin Schwartz and Peter Lipert have jointly and simultaneously worked on this invention and therefor commonly own all claims of this patent application.

We are hereby rewriting claims 23-42 with more clarity, and will refer to them as -R (revised).

Please note that all initial drawings and figures still apply and are not withdrawn. And disregard our letter of July 07 1996 with regard to claims.

We thank you for your attention to our application. Respectfully yours.


Erwin Schwartz /B. Eng.


Peter Lipert

305 BAFFIN, D.D.O QUEBEC, CANADA

TEL: 514-696-7961

FAX: 514-696-8344

ABSTRACT of the Heat Exchanger

A HEAT EXCHANGER specifically designed for heating or cooling of liquids containing SOLID material which has a very unique usage.

- a) in the SEWAGE TREATMENT FACILITIES as a Water to Sludge heater.
- b) in the SEWAGE TREATMENT FACILITIES as a Sludge to Sludge heat recovery unit.
- c) in industrial applications where liquid SLURRIES are required to be heated or cooled.

Refer to FIG 1. And FIG 2 and FIG 7

The Heat Exchanger comprises of horizontally permanently fixed heating plates (12) to define between adjacent heating plates an area of sealed passages for two heat exchanging fluids.

The outer frame comprises of two access doors (20), and two outer walls (26). And two outer door frames (24) to form a permanently fixed rigid structure to provide a tight enclosure.

Each heating plate (12) comprises of channels for conducting of the cold or hot liquid sludge in line or counter flow fashion.

The heating plate (12) comprises of vertical directional baffles (14) and round solid baffle (34) attached at the end of (14), order to reduce the risk of plugging with stringy material.

Each directional baffle (14) has a few PRESURE RELIEF HOLES (37), (38) or (39) in FIG 7. The pressure relief holes are located at the BOTTOM and has shapes of Square Triangular or Semi Circular.

Each of said channel means being defined by a pair of said heating plates (12) disposed one next to the other and by a pair of directional baffles (14) and an internal return bend means (18).

The internal return bend (18) having a configuration allowing direct access to said channel means at least at one end removable without the necessity to dismantle the entire heat exchanger, the other end could be permanently fixed and liquid tight.

The External return bends (22) having a predetermined configuration to provide a greater turbulence of the liquid passing through each said channels, said external return bend means being incorporated into and extending outwardly from said walls (26) and permanently attached to outer door frame (24).

The said heat exchanger further comprising two access doors (20) which are removable and sealed in a liquid tight fashion to allow accessibility simultaneously from two opposite directions without dismantling the entire unit, said doors being of substantially flat configuration.

CLAIMS

24R- Internal return bends (18) having a predetermined configuration adapted to provide a greater flow turbulence of the fluid passing through each said channels (as per fig. 1 and fig. 11.)

The internal return bend (18) is a rigid continuous flat plate bent in many inward and outward semi hexagonal shapes (fig 11).

25R- The inner return bend (18) are permanently fixed between adjacent heating plates (12) to provide liquid-tight conditions under high pressure.

29R- The inner return bend (18) are removable between adjacent heating plates (12) to provide liquid-tight conditions under high pressure.

31R- The vertical directional baffles (14) is provided with round solid bars (34) (fig 2) (is also visible on Fig 1) attached at the end of (14), in order to reduce the risk of plugging with stringy materials.

32R- The EXTERNAL return bends (22) means having in cross-section a semi-octagonal configuration in order to adapted to provide a greater flow turbulence of the fluid passing through.

38R- Each directional baffle (14) has a few PRESURE RELIEF HOLES (37), (38) or (39) in FIG 7. The pressure relief holes are located at the BOTTOM and has shapes of Square Triangular or Semi Circular.

The PRESSURE RELIEF HOLES (ORIFICES) ALLOW REDUCTION OF PRESSURE FROM BUILD UP IN CASE OF BLOCKAGE BETWEEN ADJOINING CHANELES.

The pressure relief holes are located at the very bottom of the directional baffle (14) where the liquid starts to fill up.

40R- The Inlet flanges (28) an (30) comprises a transition means adapted to connect said inlet in a special manner which will cause any blockage to occur outside of the heat exchanger due to the reduced of passage by the liquid.

When the two transition inlets in Fig 18 and Fig 19 are connected together at the rectangular narrower ends, they form a natural restriction in which preferred location plugging first occur.

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PTO/8B/35 (11-00)

Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	ERWIN SCHWARTZ	
Title	HEAT EXCHANGER	
Atty Docket Number	08 / 418,286	

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

28/fcb/2003
Date

Sharon Chang
Signature

ERWIN SCHWARTZ
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(e). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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